

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

PAMELA J. SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:19-cv-04050-MDH
)	
THE CURATORS OF THE UNIVERSITY)	
OF MISSOURI,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant Curators of the University of Missouri's (hereinafter University) Motion to Dismiss Plaintiff's First Amended Complaint. (Doc. 18). Defendant moves to dismiss the Complaint because Plaintiff has the same claims or causes of action pending in another lawsuit.¹ In addition, Defendant argues Plaintiff's allegations are time barred. Plaintiff has failed to file a response to the motion to dismiss and the time to do so has expired.

Defendant states that Plaintiff has previously filed three pro se lawsuits against the University regarding her past employment as a law professor.² In a prior lawsuit alleging the same claims presented here, the University was granted summary judgment in its favor and Plaintiff appealed the judgment to the Eighth Circuit. Plaintiff's appeal is currently pending in the Eighth Circuit. In fact, Plaintiff filed this lawsuit three days after judgment was entered in favor of the University in the prior lawsuit.

¹ See *Smith v. Curators of the University of Missouri*, No. 17-4016-CV-C-WJE; and *Smith v. Curators of the University of Missouri*, No. 19-1720 - 8th Circuit Appeal.

² The history of Plaintiff's lawsuits is set forth in Defendant's motion is not repeated here.

Here, the Court agrees with Defendant that this case must be dismissed when Plaintiff's claims raise the same subject matter and parties and presents the same facts and issues as her lawsuit currently pending in the Eighth Circuit. As a result, the Court **GRANTS** Defendant's Motion and dismisses Plaintiff's First Amended Complaint, without prejudice.

IT IS SO ORDERED.

DATED: August 29, 2019

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE